

REMARKS/ARGUMENTS

Claims 1-44 were pending in this application and examined.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (U.S. Patent No. 6,820,094) (Ferguson).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Herz (U.S. Patent No. 6,460,036).

Claims 15-44 are rejected upon the same grounds as claims 1-14.

An interview was conducted with the examiner on August 8, 2006. The cited art was discussed, however no agreement was reached as to distinctions over the art.

The independent claims are 1, 14, 15, 28, 29, and 42. As originally filed, claim 1 recited “determining degree of relevancy information ... indicating the relevancy of information objects in a second set of information objects to information objects in the first set of information objects.” See also claims 15 and 29. Claims 1, 15, and 29 have been amended to recite the “determining” step in a more positive manner to emphasize that the determination of relevancy involves processing of first information objects and second information objects. See, for example, paragraphs [42] and [43] in the specification as originally filed. The amended language more clearly recites the determining step. No new matter has been added.

Claims 14, 28, and 42 have been amended to more clearly recite that the “selection technique” is performed on the UDIOs and CPIOs, hence “applying the selection technique to the UDIOs and the CPIOs to generate degree of relevancy information.” No new matter has been added.

Claims 1, 15, and 29

Claim 1 substantively recites in part “processing information objects in the first set of information objects and information objects in a second set of information objects to determine a degree of relevancy information” and “selecting a third set of one or more information objects from information objects in the second set of information objects based upon the degree of relevancy information.” See also claims 15 and 29.

1. the recited step of “processing...”

The examiner cited part of Ferguson’s explanation for searching documents (in particular, column 13, line 52 to column 14, line 10) as teaching the originally recited

“determining” step. As amended, claim 1 substantively recites in part “processing information objects in the first set of information objects and information objects in a second set of information objects to determine a degree of relevancy information.” See also claims 15 and 29. As we will now explain, a close read of Ferguson’s description does not teach this recited limitation.

Column 13, lines 9-31: Here, Ferguson describes a search utility 167 which allows a user to search and retrieve documents that fit or match user-defined conditions.

Column 13, lines 31-51: Here, Ferguson describes a user interface for displaying the documents that match the search criteria. The documents that match the search criteria are displayed in a results listbox 1410 (Fig. 14).

Column 13, lines 51 and following: Here, Ferguson describes the results listbox. The search utility 167 creates smart folders and displays them in the results listbox. Each smart folder has category criteria associated with a particular level of relevance. An example of level of relevance is “number of search hits.” Thus, as Ferguson explains, one of the smart folders’ category criteria can be documents identified in the search having 10 or more search hits, while the other smart folder is for documents identified in the search having less than 10 search hits. The documents are assigned to a smart folder depending on whether there is a match with the level of relevance associated with that smart folder. Ferguson does not teach that the documents are used to determine level of relevance.

In fact, Ferguson gives no explanation at all as to how the level of relevance for a smart folder is determined. Ferguson simply states that the smart folders can have category criteria associated with level of relevance. It is not likely that Ferguson’s search utility 167, which creates the smart folders, decides on its own what category criteria to use and what levels of relevance will be associated with the category criteria. In fact, Ferguson describes other ways to link a smart folder to documents identified in the search; for example, see column 14, lines 4-10. The very large number of possible combinations of category criteria and levels of relevance, therefore, does not suggest that the search utility decides on its own what category criteria to use and what levels of relevance to associate with the category criteria. It is much more likely that the category criteria and associated levels of relevance are user selected, since it is the user who is interested in how the documents identified in the search should be categorized and what levels of relevance to use.

In any case, Ferguson is silent as to how the level of relevance is associated with category criteria, and thus does not teach nor at all suggest “processing information objects in the first set of information objects and information objects in a second set of information objects to determine a degree of relevancy information” as recited in claims 1, 15, and 29. Reconsideration of the claims and the reference in view of the foregoing discussion is respectfully requested.

2. the recited step of “selecting...”

The examiner cited column 11, lines 55-65 and column 13, line 52 to column 14, line 17 for teaching the recited step of “selecting a third set of one or more information objects from information objects in the second set of information objects based upon the degree of relevancy information,” wherein the third objects are “output to the user when the first document is being displayed to the user.”

Ferguson describes the process of browsing documents in column 11, and at line 56 Ferguson describes a browser utility 163 that allows a user to interact with documents in a document collection. However, a review of Ferguson’s description of the browser utility reveals that he appears to be describing Microsoft’s browser known as Explorer, Ferguson even talks about “My Computer,” another Microsoft term. While the Microsoft Explorer allows a user to view documents, the Explorer certainly does not perform “selecting a third set of one or more information objects from information objects in the second set of information objects based upon the degree of relevancy information.”

Ferguson’s description of his browser utility 163, likewise, fails to teach this limitation. For example, the examiner cites lines 56-65 in column 11. Here, Ferguson clearly describes a user performing an open operation on a category and displaying documents in that category. These actions do not constitute the recited “selecting a third set of one or more information objects from information objects in the second set of information objects based upon the degree of relevancy information,” wherein the third objects are “output to the user when the first document is being displayed to the user.”

Furthermore, although the examiner cited the teachings of column 11, lines 55-65 and the teachings of column 13, line 52 to column 14, line 17, Ferguson himself makes no connection between the browser utility 163 described in lines 56-65 of column 11 (and shown in Figs. 10 and 11) and the smart folder discussion given in column 13, lines 52 and following. In

fact, the latter discussion relates to a results listbox 1410 shown in Fig. 14, which is an interface that is separate from and has nothing to do with the browser utility 163 of Figs. 10 and 11.

Therefore, whatever it is that the browser utility 163 does, it does not do it in connection with the document search results and smart folders disclosed in column 13, lines 52 and following.

Ferguson therefore does not teach or even suggest the recited “selecting a third set of one or more information objects from information objects in the second set of information objects based upon the degree of relevancy information,” wherein the third objects are “output to the user when the first document is being displayed to the user.”

Claims 14, 28, and 42

In the examiner’s rejection of claim 14, the language of claim 1 was used. See page 8 of the Office action. Claim 14 recites features different from claim 1, among them “identifying a plurality of selection techniques for determining degree of relevancy information for the first set of CPIOs” and “applying the selection technique to the UDIOs and the CPIOs to generate degree of relevancy information.” See also claims 28 and 42. These claims therefore have not been properly examined and their rejection is believed to be moot. An examination of these claims is earnestly requested.

As explained above, Ferguson is silent as to how he assigns levels of relevance to category criteria of a smart folder. See Ferguson’s discussion at column 13, lines 52-67. It is clear that Ferguson does not talk about selection techniques. Ferguson therefore does not teach or even suggest a step “identifying a plurality of selection techniques for determining degree of relevancy information for the first set of CPIOs” or a step of “applying the selection technique to the UDIOs and the CPIOs to generate degree of relevancy information.”

Dependent Claims

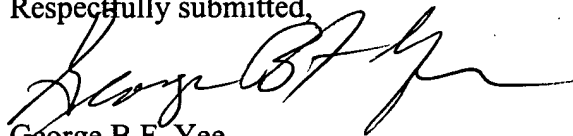
The foregoing independent claims 1, 14, 15, 28, 19, and 42 are believed to be patentably distinct over the cited art. The rejections of their respective dependent claims are believed to be overcome for at least the same reasons set forth above.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



George B.F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
GBFY:cmm
60776846 v1